

## United States District Court

for the

## Eastern District of Washington

## Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 08 2018

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Eric Lynn Heartburg

Case Number: 0980 2:04CR00021-WFN-1

Address of Offender

Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 14, 2004

Original Offense: Armed Bank Robbery, 18 U.S.C. § 2113(a) and (d); Use of a Firearm During a Crime of Violence, 18 U.S.C. § 924(c)

Original Sentence:	Prison - 180 months TSR - 36 months	Type of Supervision: Supervised Release
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Asst. U.S. Attorney: Stephanie A. Van Marter Date Supervision Commenced: February 7, 2017

Defense Attorney: Federal Defenders Office Date Supervision Expires: February 6, 2020

## PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/15/2017 and 12/27/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
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4 **Special Condition # 10:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer.

**Supporting Evidence:** On February 8, 2017, Mr. Heartburg's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 10, as noted above.

Mr. Heartburg violated his conditions of supervised release by using methamphetamine on January 4, 2018.

On January 4, 2018, Mr. Heartburg reported to the probation office and was directed to submit to urinalysis testing. The urine sample was presumptive positive for methamphetamine and sent to Alere Toxicology for further testing. Mr. Heartburg denied using any illicit drugs when confronted about the positive test. The results are still pending.

**Re: Heartburg, Eric Lynn**

**January 5, 2018**

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- 5      **Special Condition # 10:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer.

**Supporting Evidence:** On February 8, 2017, Mr. Heartburg's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 10, as noted above.

Mr. Heartburg violated his conditions of supervised release by failing to submit to random urinalysis testing as directed on January 2, 2018.

On January 2, 2018, the color of the day for urinalysis testing was brown1, Mr. Heartburg's assigned color for random urinalysis testing at Pioneer Human Services(PHS). According to the roster for urinalysis testing that was received from PHS, Mr. Heartburg failed to appear. When confronted about his "no show" for urinalysis testing, Mr. Heartburg admitted he forgot to call the urinalysis testing hotline as directed on January 2, 2018.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/05/2018

\_\_\_\_\_  
s/Corey M. McCain

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Corey M. McCain  
U.S. Probation Officer

**Re: Heartburg, Eric Lynn**

**January 5, 2018**

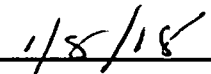
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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer



Date